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Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2004-256

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS OF
HARNEY LANE CANAL CROSSING, AND FURTHER AUTHORIZING THE
CITY MANAGER TO EXECUTE THE IMPROVEMENT AGREEMENT ON
BEHALF OF THE CITY OF LODI, AND FURTHER APPROPRIATING FUNDS
FOR THE APPLICABLE REIMBURSEMENT

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WHEREAS, this project consists of widening the Woodbridge Irrigation District (WID) canal crossing at Harney Lane located east of the Century Meadows One, Unit 3 development, and west of Ham Lane, as shown on Exhibit A attached; and

WHEREAS, the widening of the canal crossing is required as a condition of approval for the adjacent Century Meadows One, Unit 3 residential development. Under the terms of the Improvement Agreement for that project approved by Council on November 3, 2004, the developer, K & W Development, LLC, is required to enter into a separate Improvement Agreement with the City covering the installation of improvements to widen the WID canal crossing at Harney Lane and extend a ten-inch public water main across the WID canal. Completion of the WID canal crossing and water main improvements is required prior to acceptance of the subdivision improvements; and

WHEREAS, the work in the WID right-of-way must be done during the winter when the canal is not in use. The Harney Lane WID canal crossing and associated water main extension are included in the Streets and Water Facilities categories of the Development Impact Mitigation Fee Program; and

WHEREAS, typically, the developer constructs the improvements included in the Program and is reimbursed through impact fee credits. Due to the cost and timing of this project, the developer has requested reimbursement for construction of the canal crossing improvements prior to the subdivision fee payments, and staff feels that this is a reasonable request; and

WHEREAS, the developer has furnished the City with the improvement plans, Improvement Agreement, guarantees, insurance certificates, and fees for the proposed canal crossing project; and

WHEREAS, the Improvement Agreement is based on a standard subdivision Improvement Agreement and provides for the City to reimburse the developer as the work is accomplished. The developer has prepared the plans for the project and obtained bids. The requested appropriation (\$832,000) covers the reimbursable portion of the bid amount, engineering design and improvement plans, construction staking, geotechnical services, and contingencies. Reimbursements will be made on a monthly basis, based on actual expenses; and

WHEREAS, staff therefore recommends that the City Council take the following actions with regard to the Public Improvements of Harney Lane Canal Crossing project:

1. Approve the Improvement Agreement for the Public Improvements of Harney Lane Canal Crossing and direct the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and
2. Appropriate \$832,000 from the following funds for the applicable reimbursements to the developer:

IMF – Local Street Facilities	(MBC004)	\$810,000
IMF – Water Facilities	(MWSX006)	\$ 22,000

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi hereby finds as follows:

1. Approves the Improvement Agreement for the Public Improvements of Harney Lane Canal Crossing and directs the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and
2. Appropriates \$832,000 from the following funds for the applicable reimbursements to the developer:

IMF – Local Street Facilities	(MBC004)	\$810,000
IMF – Water Facilities	(MWSX006)	\$ 22,000

Dated: November 17, 2004

I hereby certify that Resolution No. 2004-256 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk



HARNEY LANE CANAL CROSSING

